

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	
)	CASE NO.: 10-68797-mhm
WANDA RENEE TYREE,)	
)	CHAPTER 7
Debtor.)	
<hr style="width: 30%; margin-left: 0;"/>)	
)	
WANDA RENEE TYREE,)	CONTESTED MATTER
)	
Movant,)	
)	
vs.)	
)	
GABRIEL GUZMAN and HAIT &)	
EICHELZER,)	
)	
Respondents.)	

MOVANT'S STATEMENT OF DAMAGES

COMES NOW Wanda Tyree, Movant in the above-captioned contested matter, and pursuant to the Court's Order Granting Motion for Contempt and Directing Turnover entered on September 27, 2010 brings this itemization of actual damages, and shows this Court the following:

1.

The instant Motion was filed initially on April 13, 2010 and was amended on April 13, 2010 and on April 14, 2010. Hearing was held on April 19, 2010. After hearing oral argument by counsel for Movant and Respondents, the Court directed Respondents to submit a response to the Motion. Respondents filed their response to the Motion on April 30, 2010. Movant filed her reply to Respondents' response on May 11, 2010, to which Respondents filed a final response on May 18, 2010.

2.

The Court entered an Order granting Movant's motion, directing turnover of certain property in Respondents' custody, and awarding actual damages, including costs and attorneys' fees, on September 27, 2010. The Order further directed Movant to file this itemized statement of damages within fourteen (14) days of the date of entry of the Order.

3.

Movant's actual damages in this matter include storage fees and other associated costs; as the Order specifically directs Respondents to take all steps necessary, including payment of all storage fees, to effect the turnover of Movant's property, an itemization of these fees is not necessary at this time.

4.

Movant's actual damages in this matter also include attorneys' fees associated with the filing and prosecution of the Motion. Attached as Exhibit "A" and incorporated herein is an itemized statement of the work performed by counsel and their staff, calculated at standard billing rates and totaling six thousand nine hundred and sixty-seven dollars and fifty cents (\$6,967.50).

Respectfully submitted this 7th day of October, 2010.

[signatures on following page]

THE ROTHBLOOM LAW FIRM

/s/

HOWARD D. ROTHBLOOM

Georgia Bar No. 915670

ADAM D. HERRING

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Attorneys for Movant

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CERTIFICATE OF SERVICE

This is to certify that I have this day filed a true and correct copy of the within and foregoing MOVANT'S STATEMENT OF DAMAGES with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following:

Edwin K. Palmer
Chapter 7 Trustee
P.O. Box 1284
Decatur, GA 30031

I have served the following a true and accurate copy via electronic mail and U.S. mail with adequate first class postage affixed thereto:

Khristie L. Kelly
Law Office of Robert S. Toomey, PC
708 N. Tennessee St.
Cartersville, GA 30120
khristie@toomeylaw.com

Hait & Eichelzer
185 Stockwood Dr., Ste. 100
Woodstock, GA 30188
Fax: (770) 517-0350
kentike@bellsouth.net and legaljacket@mac.com

This 7th day of October 2010.

THE ROTHBLOOM LAW FIRM

/s/

ADAM D. HERRING
Georgia Bar No. 441119
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Marietta, GA 30060
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Exhibit "A"

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**Wanda Tyree, Case No. 10-68797-mhm
Motion for Contempt Attorneys' Fee Itemization**

<u>Date</u>	<u>Activity</u>	<u>Time(hrs)</u>	<u>Rate</u>	<u>Total</u>
4/7/10	Teleconference with Cobb County Sheriff's Office regarding levy; Locating impound lot and storage facility (DH)	0.75	100.00	75.00
4/8/10	Teleconference with Cobb County Sheriff regarding levy; meeting with HR and AH regarding same (DH)	1.25	100.00	125.00
4/8/10	Letter to Kent Eichelzer (AH)	0.75	250.00	187.50
4/9/10	Email correspondence with Alex Hait and Kent Eichelzer (AH)	1.00	250.00	250.00
4/12/10	Research for Motion (AH)	1.50	250.00	375.00
4/12/10	Draft Motion for Contempt (AH)	2.00	250.00	500.00
4/12/10	Draft Motion for Expedited Hearing (AH)	0.75	250.00	187.50
4/13/10	Review of Motion (HDR)	1.00	310.00	310.00
4/14/10	Processing exhibits for Motions and filing and serving same (DH)	1.25	100.00	125.00
4/14/10	Internet and Lexis research to locate Resp. Guzman; amending Cert. of Service to reflect service on same; processing documents and service. (DH)	2.25	100.00	225.00
4/18/10	Prepare for Hearing on Motion (AH)	2.00	250.00	500.00
4/19/10	Teleconference with Barrow Wrecker and Town Center Storage regarding fees due; preparation of exhibit list and notebook for hearing (DH)	2.25	100.00	225.00

Exhibit "A"

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4/19/10	Attend Motions Hearing (AH)	3.00	250.00	750.00
4/19/10	Attend Motions Hearing (HDR)	3.00	310.00	910.00
5/1/10	Review of Respondents' Response to Motion for Contempt (AH)	1.00	250.00	250.00
5/7/10	Research for Reply to Respondents Response (AH)	2.00	250.00	500.00
5/8/10	Draft Movant's Reply (AH)	2.50	250.00	625.00
5/10/10	Review of Movant's Reply (HDR)	1.00	310.00	310.00
5/12/10	Processing Movant's Reply; filing and serving same (DH)	1.00	100.00	100.00
5/19/10	Review of Respondents' Final Response (AH)	0.75	250.00	187.50
9/30/10	Preparation of Statement of Damages and Attorney Fees (AH)	1.00	250.00	250.00
TOTAL:		32.00	--	\$ 6,967.50